

Imports/Exports

Pilgrim House, Old Ford Road  
Aberdeen, AB11 5RL

Joanna.harrold@fss.scot

Lead Food Officers, Scotland  
REHIS

Date: 18 November 2021

Dear Colleagues,

### **Importation and placing on the market of foods that do not conform to UK food additives requirements**

**Summary:** This FSS communication is issued by way of reminder to enforcement bodies of the need to ensure that imports of products from the USA and other countries must conform to the requirements of retained EU legislation on the use of food additives.

We are contacting you acting on the FSA's guidance, as they have recently seen an increase in the number of non-compliant food and drink products being imported from 3<sup>rd</sup> countries and in particular from the USA. These have been identified through import surveillance sampling carried out by colleagues at FSA and the occurrence of food incidents. As you are aware, we have previously written out to you about this in 2014 (see attached).

According to the retained [Regulation 1333/2008](#), all of the food additives used in products must be authorised for use in the food category under which the product falls.

The non-compliances identified have usually related to the use of food additives in products that they are not authorised for use in, or the presence of food additives at levels that exceed the permitted maximum use level, as well as a range of labelling deficiencies.

Examples have included:

- Use of food additives not permitted under retained legislation, for example drinks containing Brominated Vegetable oil (BVO).

- Use of the colour E127, Erythrosine (shown on US products as Red 3) which is only permitted for use in cocktail cherries, has been found in breakfast cereals, baking products and confectionary.
- Foods containing the Southampton colours (Sunset yellow FCF (E110);quinoline yellow (E104); carmoisine (E122); allura red (E129); tartrazine (E102); ponceau 4R (E124)) that have levels in excess of those authorised or have lacked the warning 'May have an adverse effect on activity and attention in children'.
- Food products that have not been correctly labelled with the functional class of the food additive along with either its name or E number. For example products containing Yellow 5, should be overstickered to include information in the correct format ie: Colour E102 or Colour Tartrazine.
- Calcium disodium EDTA (E385) and Erythorbic acid (E315) are permitted food additives for some foods, but they are not permitted in drinks.
- If the label states the presence of an additive that is not permitted in the product, the product is in breach of legislation. Drink products that are labelled as containing BVO, EDTA or Erythorbic acid, and products (other than cocktail cherries) showing Erythrosine/E127/Red 3 should not be permitted for import.

It is the responsibility of the food business operators importing and selling these products to ensure any food products they place on the market meet the legislative requirements. Those using unauthorised additives ie: BVO, colour erythrosine etc, should be considered as non-compliant products and rejected.

Local Authorities are also asked to bring this issue to the attention of any importers who import products from the US, as they may not be aware of the differences in the legislation between the US and GB. Importers should ensure they source products that are compliant with food additives legislation.

Please contact [imports@fss.scot](mailto:imports@fss.scot) if you have any questions.

Yours sincerely,



**Joanna Harrold**  
Imports/Exports Officer